

PROCEDURE 4. DISSEMINATION OF INFORMATION
ABOUT UNITED STATES PERSONS

A. APPLICABILITY AND SCOPE

This procedure governs the kinds of information about United States persons that may be disseminated, without their consent, outside the DoD intelligence component that collected and retained the information. It does not apply to information collected solely for administrative purposes; or disseminated pursuant to law; or pursuant to a court order that otherwise imposes controls upon such dissemination.

B. CRITERIA FOR DISSEMINATION

Except as provided in section C., below, information about United States persons that identifies those persons may be disseminated without the consent of those persons only under the following conditions:

1. The information was collected or retained or both under Procedures 2 and 3;

2. The recipient is reasonably believed to have a need to receive such information for the performance of a lawful governmental function, and is one of the following:

a. An employee of the Department of Defense, or an employee of a contractor of the Department of Defense, and has a need for such information in the course of his or her official duties;

b. A law enforcement entity of federal, state, or local government, and the information may indicate involvement in activities which may violate laws which the recipient is responsible to enforce;

c. An agency within the intelligence community; provided that within the intelligence community, information other than information derived from signals intelligence, may be disseminated to each appropriate agency for the purpose of allowing the recipient agency to determine whether the information is relevant to its responsibilities without such a determination being required of the disseminating DoD intelligence component;

d. An agency of the federal government authorized to receive such information in the performance of a lawful governmental function; or

e. A foreign government, and dissemination is undertaken pursuant to an agreement or other understanding with such government.

C. OTHER DISSEMINATION

Any dissemination that does not conform to the conditions set forth in section B., above, must be approved by the legal office responsible for advising the DoD Component concerned after consultation with the Department of Justice and General Counsel of the Department of Defense. Such approval shall be based on a determination that the proposed dissemination complies with applicable laws, executive orders, and regulations.